

Exhibit S

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VOLUME: I

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EXHIBITS: 1 to 7

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

----- X

HEATHER KIERNAN,

Complainant,

v.

Civil Action

No. 10131MLW

ARMORED MOTOR SERVICES OF

AMERICA, INC.,

Respondent.

----- X

DEPOSITION OF JASON J. KHOURY

March 2, 2005

10:10 a.m.

Gillette Corporation

One Gillette Park

South Boston, Massachusetts

Reporter: Karen A. Interbartolo, RPR

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P R O C E E D I N G S

JASON J. KHOURY

having been satisfactorily identified and duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MCLEOD:

Q. Could you state your name for the record?

A. Jason Khoury.

Q. Mr. Khoury, my name is Bill McLeod. I represent Heather Kiernan in a case that she's brought against Armored Motor Services of America and Francesco Ciambriello.

I'm going to be asking you some questions today. You're under oath. You need to give me verbal answers. The court reporter can't take down shakes of the head or anything like that.

You're going to have an opportunity to review your deposition transcript and make whatever changes. Is that something that you'd like to do?

A. Yes.

1 Q. There was nobody in the vault?

2 A. Oh, yes. People were working, yes.

3 Q. How many people were working?

4 A. At that point? Probably three or four.

5 Q. And who was working; do you know?

6 A. No. I'd have to guess. No, I don't know.

7 Q. And who arrived at AMSA to look at the tapes?

8 A. It was Eddie O'Brien, the district attorney,
9 and I believe Mr. Ardito.

10 Q. And you knew they were coming. They didn't
11 just show up saying, Hey, we need the tapes?

12 A. It was a scheduled appointment.

13 Q. And how far ahead did they schedule the
14 appointment?

15 A. I think it was a couple of weeks.

16 Q. And who did they schedule it with?

17 A. Eddie O'Brien.

18 Q. Did they all arrive at the same time, the DA,
19 the --

20 A. Yes.

21 Q. And approximately what time of day was that?

22 A. It was early morning or afternoon.

23 Q. Do you recall what the weather was that day?

24 A. I think it was sunny out, but I don't know.

1 Q. who let the people in the door?

2 A. It would have been the dispatcher in the
3 vault or operations manager in the vault at that time
4 would have had to buzz them in.

5 Q. And that would have been videotaped, right?

6 A. Yes, it would have.

7 Q. And the people leaving that day would have
8 also been videotaped?

9 A. Yes.

10 Q. Where were they physically in the building
11 when they were viewing the tapes?

12 A. In the video room.

13 Q. Which is that really small room you were
14 testifying about before?

15 A. The real tiny room near the manager's room,
16 yes.

17 Q. You said about three people could fit in
18 there, right?

19 A. Very tight, yes.

20 Q. How many people were in there?

21 A. Eddie, the DA, and the other attorney, three.

22 Q. The DA, was it a male or female?

23 A. Male.

24 Q. And was he physically carrying the tapes

1 when -- was he carrying the tapes in his hand or did he
2 have them in his hand when he arrived?

3 A. Somebody had an envelope with them, a manila
4 envelope, yes. I don't know who was carrying them.

5 Q. Were they little cassettes?

6 A. No, big VHS cassettes.

7 Q. How many tapes were there?

8 A. Three. I think there were there.

9 Q. But the police had left with six?

10 A. Yes.

11 Q. And how long were they there viewing the
12 tapes?

13 A. Maybe a half hour.

14 Q. Were there any other meetings or discussions
15 or anything like that at the time?

16 A. Other than saying hello to them and good-bye,
17 Eddie O'Brien brought them in, viewed the tapes, and
18 escorted them out and left with them. So there was no
19 meeting, no.

20 Q. Left with them who?

21 A. Ardito and the district attorney.

22 Q. They all left at the same time?

23 A. Yes.

24 Q. Neither Ardito nor the district attorney hung

1 around?

2 A. No.

3 Q. And Mr. O'Brien didn't hang around?

4 A. I don't think so, no.

5 Q. And was anything left behind that you can
6 recall?

7 A. No.

8 Q. When they left the building, would they have
9 had to have signed out?

10 A. No.

11 Q. How long were they there?

12 A. About a half hour.

13 Q. And at some point did you come to learn that
14 tapes were missing?

15 A. Yes.

16 Q. How soon after that day?

17 A. I want to say maybe like a month after or a
18 couple of weeks or so.

19 Q. How did you come to learn they were missing?

20 A. I got a phone call from someone, whether it
21 was Doug Wilson or Eddie O'Brien. Somebody called me.
22 I don't remember who. It might have even been the
23 detective. I don't know -- Yes, it was. I'm sorry. I
24 remember him calling asking if I had the tapes. And I

1 appearance that day that sticks out in your mind?

2 A. No.

3 Q. Was there anything remarkable about her
4 demeanor that day that sticks out in your mind?

5 A. No. She seemed fine and anxious to come back
6 to work.

7 Q. How soon after arriving at AMSA, if you know,
8 was she let into your office?

9 A. Immediately that day to -- Right away.

10 Q. And Ms. Coleman was in there with you?

11 A. I think she met her at the door and walked
12 back with her.

13 Q. Was there anything discussed at that meeting
14 other than what you've testified to?

15 A. No.

16 Q. And you didn't have any discussions with
17 Ms. Kiernan after that day?

18 A. No.

19 Q. And was she scheduled -- You had said, Come
20 to work tomorrow?

21 A. It was tomorrow or next week or -- I don't
22 remember. It was a short time, within a week or a day.
23 Whether it was a weekend or a Monday, I don't know what
24 it was exactly, but --

1 Q. Did she go to work?

2 A. I don't think so. I think I remember getting
3 a phone call from either her or her girlfriend,
4 Christina Perret, something like that, saying that her
5 attorney thought it would be best for her not to come
6 to work. I remember that briefly, but that's all I
7 remember of it.

8 Q. But you don't know who conveyed that to you?

9 A. It was either her herself or her girlfriend
10 Christina, Christina Perret. I don't know if I'm
11 saying that right.

12 Q. Tell me about that conversation, please.

13 A. It was just a phone call saying that she was
14 not going to be in. And I said, "Well, why not?"
15 "Because her attorney thought it would not be a good
16 idea for her to do that."

17 Q. How, then, did the conversation end?

18 A. "Okay. Good-bye."

19 Q. At that point was she considered terminated
20 by the company or voluntarily resigned?

21 A. Not by me, but I did contact HR and let them
22 know what had happened. And I think I remember
23 speaking to Debbie Gates, and then Debbie Gates
24 directed me to contact Allison Romantz. I believe

1 that's what took place after that.

2 Q. Why would you need to call Allison Romantz
3 after receiving that phone call?

4 MR. DONOGHUE: Objection. Go ahead and
5 answer.

6 A. Because I contacted HR to let them know,
7 Debbie Gates, and told her that she was scheduled to
8 come back and now called and said her attorney said she
9 couldn't come back. And I was directed to call Allison
10 Romantz by Debbie Gates from HR.

11 Q. Are there any circumstances that would have
12 occurred that would have caused you to call Ms. Romantz
13 without being directed by someone at AMSA?

14 A. No.

15 MR. DONOGHUE: Note my objection to
16 that. But go ahead and -- I'm sorry. I wouldn't have
17 instructed you not to answer that question, so --

18 Q. No?

19 A. No.

20 Q. So, unless you were instructed, you wouldn't
21 have any reason to contact her?

22 A. I don't think so, no.

23 Q. Did you have any discussions with Ms. Kiernan
24 following that day?

1 A. I don't think so. I don't think I remember
2 talking to her.

3 Q. No?

4 A. No.

5 Q. How about her husband?

6 A. No.

7 Q. Christina Perret was also employed at AMSA?

8 A. Yes.

9 Q. Did she start before or after Ms. Kiernan?

10 A. After.

11 Q. And did her employment at AMSA at some point
12 end?

13 A. Yes.

14 Q. When was that, please?

15 A. She had a motor vehicle accident. I don't
16 remember when it was. She hurt her back.

17 Q. Is that why she ended her employment at AMSA?

18 MR. DONOGHUE: Objection. But go ahead
19 and answer.

20 A. I think so. I think she came back and tried
21 to work and it only lasted a day or two, and then she
22 couldn't take the pain with the sitting and standing.
23 I think she resigned. I think she quit because she
24 couldn't do it, but I'm not positive.

1 Mr. Ciambriello had been terminated from his
2 employment?

3 A. I don't know.

4 Q. And did she specifically mention anything
5 concerning the incident?

6 A. No.

7 MR. MCLEOD: I have no further
8 questions. Because of the issue that we objected to,
9 we'll suspend.

10 MR. DONOGHUE: Yes, that's fine.
11 Subject to that --

12 MR. MCLEOD: Yes, subject to that, we're
13 concluded.

14 MR. DONOGHUE: And I have no further
15 questions.

16 (Whereupon the deposition
17 was concluded at 12:10 p.m.)
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1 COMMONWEALTH OF MASSACHUSETTS

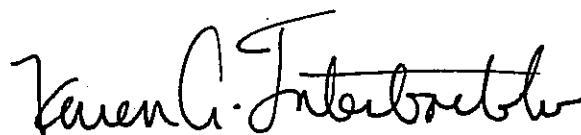
2 SUFFOLK, SS.

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4 I, Karen A. Interbartolo, Registered Professional
5 Reporter and Notary Public in and for the Commonwealth
6 of Massachusetts, do hereby certify that JASON J.
7 KHOURY, the witness whose deposition is hereinbefore
8 set forth, was duly sworn by me and that such
9 deposition is a true record of the testimony given by
10 the witness.
11

12 I further certify that I am neither related to nor
13 employed by any of the parties in or counsel to this
14 action, nor am I financially interested in the outcome
15 of this action.
16

17 In witness whereof, I have hereunto set my hand
18 and seal this 15th day of March, 2005.
19

20 
21

22 Notary Public

23 My commission expires

24 March 9, 2012